IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6379 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ABDUL KADAR OSMANBHAI SUMRA

Versus

STATE OF GUJARAT

Appearance:

MS SUBHADRA G PATEL for Petitioner

MR DN PATEL AGP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE B.C.PATEL

Date of decision: 03/03/2000

ORAL JUDGEMENT

The detenu working as an RTO Agent has filed this petition as he has been detained by the respondent no.2. Commissioner of Police, Rajkot City under the provisions contained in the Gujarat Prevention of Anti-Social Activities Act, 1985 ("PASA Act" for short).

2. The order of detention is placed on record vide Annexure A. The grounds of detention is placed on record vide Annexure B. From the grounds of detention it appears that it is very clear that the detenu alongwith others is indulging in nefarious activities of removing vehicles by committing offences of theft. Thereafter with the help of the detenu, bogus and fake RTO book are prepared and the vehicles are transferred in the names of innocent citizens. 4 cases which are registered are indicated in the grounds of detention. The statement of various persons have been taken and from which it is clear that the detenu is indulging in nefarious activities.

3. The Ld. Counsel submitted that the grounds of detention and other papers served upon the detenu are not legible. The Ld. Counsel submitted that it is not the case that all papers are not legible but some of the documents are not legible. Mr.Patel, Ld. AGP, appearing for the respondents after going through the papers was not in a position to state that all the documents are legible. It is required to be noted that it is not necessary for the Court to go into the details of the documents and to state whether all documents which are not legible would affect the right of the detenu or not. It is further the duty of the Detaining Authority to see that the legible documents are supplied. There are catena of decisions on this issue. It is the duty of the person while supplying the documents to check each and every page and not to supply papers mechanically without verifying that the documents are legible or not. In view of this, the order of detention is required to be held bad and illegal. The same is hereby quashed and set aside. The petition is allowed. Rule made absolute.

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